

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

MUR 5696 )

MICHAEL H. R. BUCKLES )

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM**SENSITIVE**

## GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal.<sup>1</sup> The

Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5696 as a low-rated matter. In this case, the allegations concerned alleged excessive contributions by a husband and wife to the John Kerry 2004 primary and general committees. Specifically, the complaint points to disclosure reports that reflect each spouse made a total of \$6,000 in contributions to the Kerry committees. Kerry-Edwards 2004 Inc., responded by noting that its database showed that Michael and Geraldine each made two \$2,000 contributions. The first two \$2,000 contributions were made in April 2004 and were intended for Mr. Kerry's primary committee. The second set of \$2,000 contributions were in August 2004 and were intended to be made to the Kerry-Edwards 2004 General Election Legal & Accounting Compliance Fund ("GELAC"). The committee explained that due to a banking error the contributions were misdirected to the primary committee account rather than the GELAC, as intended by the contributors. After discovering the error in September 2004 the primary committee transferred the misdirected funds to the GELAC account. The transactions were reported on

1 GELAC's October 2004 monthly report. Additionally, the respondents, Mr. and Mrs.  
2 Buckles, filed a response in this case to the same effect.

3 Thus, in reviewing the merits of MUR 5696 in furtherance of the Commission's  
4 priorities and resources relative to other matters pending on the Enforcement docket, the  
5 Office of General Counsel believes that the Commission should exercise its prosecutorial  
6 discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

7 **RECOMMENDATION**

8 The Office of General Counsel recommends that the Commission dismiss  
9 MUR 5696, close the file effective two weeks from the date of the Commission vote, and  
10 approve the appropriate letters. Closing the case as of this date will allow CELA and  
11 General Law and Advice the necessary time to prepare the closing letters and the case file for  
12 the public record.

13 James A. Kahl  
14 Deputy General Counsel

15  
16  
17 3/21/06  
18 Date: \_\_\_\_\_

19 BY: \_\_\_\_\_

20 Gregory R. Baker  
21 Special Counsel  
22 Complaints Examination  
23 & Legal Administration

24  
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27 Jeff S. Jordan  
28 Supervisory Attorney  
29 Complaints Examination  
30 & Legal Administration  
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32 Attachment:  
33 Narrative in MUR 5696

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4 **MUR 5696**

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6 **Complainant:** Robert F. Tulloch  
7

8 **Respondents:** Michael H. R. Buckles  
9 Geraldine Buckles  
10 Kerry-Edwards 2004 Inc., and  
11 Thorne, David, as Treasurer  
12

13 **Allegations:** The complainant alleges that Michael and Geraldine Buckles exceeded the  
14 contributions limits in their contributions to the John Kerry primary and general election  
15 committees. Specifically, the complaint states that based upon disclosure reports the  
16 respondents each exceeded the contribution limits by \$2,000. Thus, both spouses  
17 allegedly contributed a total of \$6,000 each to the Kerry-Edwards 2004 committees.  
18

19 **Responses:** Kerry-Edwards 2004 Inc., responded by noting that its database showed that  
20 Michael and Geraldine each gave two \$2,000 contributions to the primary committee. In  
21 both cases the second contribution was intended to be made to the Kerry-Edwards 2004  
22 General Election Legal & Accounting Compliance Fund ("GELAC"). The committee  
23 further explained that due to a banking error the contributions, which were made by  
24 credit card, were misdirected to the primary committee account rather than the GELAC,  
25 as intended by the contributors. The primary committee discovered the error in  
26 September 2004 and then transferred the funds to the GELAC account. The documents  
27 relating to the error were reviewed during the Commission's audit of the committee. The  
28 remedial transactions were reported on GELAC's October 2004 monthly report.  
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30 **Date complaint filed:** December 29, 2005  
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32 **Response filed:** February 1, 2006 and February 17, 2006

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